

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Draft

**AIR QUALITY PERMIT
Issued under 401 KAR 52:030**

Permittee Name: Special Metals Corporation
Mailing Address: 100 Industry Lane, Princeton, Kentucky 42445

Source Name: Special Metals Corporation
Mailing Address: 100 Industry Lane
Princeton, Kentucky 42445

Source Location: 100 Industry Lane

Permit ID: F-07-049
Agency Interest #: 501
Activity ID: APE20050001
Review Type: Conditional Major, Operating
Source ID: 21-033-00016

Regional Office: Paducah Regional Office
130 Eagle Nest Drive
Paducah, KY 42003
(270) 898-8468

County: Caldwell

Application
Complete Date: 6/18/2007
Issuance Date:
Revision Date:
Expiration Date:

**John S. Lyons, Director
Division for Air Quality**

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	Permit type	Activity#	Complete Date	Issuance Date	Summary of Action
F-07-049	Initial Issuance	APE20050001	1/12/2007	TBD, 2008	Initial CM Operating Permit

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

EP 01 Bay B Vacuum Melt/Atomizer

Installation date: 1971

Description: Bay B consists of:

Maximum rated capacity: 0.25 ton material processed/hr

(1) Vacuum induction melting furnace with integral metal powder collection chamber with cyclone

Control device: Baghouse, 99.5% efficiency

(2) Remelt Addition: oversized powder (remelt) manually added to the melt during the cycle

Control device: None

(3) Vacuum Pumps

Control device: None

EP 02 Bay C Vacuum Melt/Atomizer

Installation date: 1998

Description: Bay C consists of:

(1) Vacuum induction melting furnace with integral metal powder collection chamber with cyclone

Control device: Baghouse, 99.5% efficiency

(2) Remelt Addition: oversized powder (remelt) manually added to the melt during the cycle

Control device: None

(3) Vacuum Pumps

Control device: None

(4) Cooling Tower: shared with Bay B

Control device: None

EP 03 Bay A Vacuum Melt/Atomizer

Installation date: 1992

Control device: Baghouse, 99.8% efficiency

APPLICABLE REGULATIONS:

401 KAR 59:010, *New Process Operations*, applicable to each affected facility or source, associated with a process operation, which is not subject to another emission standard with respect to particulates, commenced on or after July 2, 1975. Applicable to emission points **02 and 03**.

401 KAR 61:020, *Existing Source Operations*, applicable to each affected facility or source, associated with a process operation, which is not subject to another emission standard with respect to particulates, commenced on or before July 2, 1975. Applicable to emission point **01**.

401 KAR 63:020, *Potentially hazardous matter or toxic substances*, is applicable to an emissions unit which emits or may emit potentially hazardous matter or toxic substances, provided such emissions are not elsewhere subject to the provisions of the administrative regulations of the Division for Air Quality.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**1. Operating Limitations:**

Pursuant to 401 KAR 63:020, Section 3, no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.

Compliance Demonstration Method:

- a) The permittee is deemed to be in compliance during metal powder production when the baghouse control systems operate as specified in Subsection 7, **Specific Control Equipment Operating Conditions**.
- b) The source is in compliance with 401 KAR 63:020 based on the emission rates of toxics given in the application submitted by the source. If the source alters process rates, material formulations, or any other factor (higher emission factors from stack testing) that would result in an increase of toxic emissions or the addition of toxic emissions not previously evaluated by the Division, the source shall submit the appropriate application forms pursuant to 401 KAR 52:030, Section 3(1)(a).

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:010, Section 3(1), visible emissions from the control device or stack for emission points 02 and 03 shall not exceed 20% opacity.
- b. Pursuant to 401 KAR 59:010, Section 3(2), emissions of particulate matter (PM) from the control device or stack to emission point 02 and 03 shall not exceed the allowable limit calculated by the following formula:

For process rates up to 60,000 lb/hr: $E = 3.59P^{0.62}$

Where E = rate of emissions in lb/hr, and
 P = process weight in tons/hr

For processing rates of 1000 lb/hr or less, the emissions of particulate matter shall not exceed 2.34 lb/hr.

- c. Pursuant to 401 KAR 61:020, Section 3(1), visible emissions from the control device or stack for emission point 01 shall not exceed 40%.
- d. Pursuant to 401 KAR 61:020, Section 3(2), emissions of particulate matter (PM) from the control device or stack to emission point 01 shall not exceed the allowable limit calculated by the following formula:

For process rates up to 60,000 lb/hr: $E = 4.10P^{0.67}$

Where E = rate of emissions in lb/hr, and
 P = process weight in tons/hr

For processing rates of 1000 lb/hr or less, the emissions of particulate matter shall not exceed 2.58 lb/hr.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- e. Also refer to **Section D.3 Source Emission Limitations**, for source wide hazardous air pollutant (HAP) emission limitations.

Compliance Demonstration Method:

- a. In determining compliance with the opacity standards see **4. Specific Monitoring Requirements** and **5. Specific Recordkeeping Requirements**.
- b. To demonstrate compliance with paragraphs **b.** and **d.** above, the permittee shall monitor the amounts and types of process weights added to each emissions unit. The process weight shall be determined by dividing the tons of material added to each emission unit in a calendar month by the total hours the unit operated that month. Average particulate emissions shall be calculated as follows:

$$PE = (PW \times PEF^*) \times (1 - \text{Control Efficiency})$$

Where PE = Particulate emissions in lbs/hr, PW = average process weight in tons/hr, and PEF = particulate emission factor (lbs/ton of process weight, based on the most recent stack test, material balance or other factor approved by the Division).

3. Testing Requirements:

- a) Pursuant to 401 KAR 59:005 Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the division.
- b) Within 180 days of the issuance of this permit, the permittee shall perform stack testing for Chromium and Nickel on the baghouse associated with EP 01, EP 02 and EP03. The permittee shall use the results to comply with **source wide limits** to preclude applicability of 401 KAR 52:020.

4. Specific Monitoring Requirements:

- a. The total monthly processing rate.
- b. The hours per month of the operation of the unit(s).
- c. A qualitative visual observation of the opacity of emissions shall be performed from each emission point stack on a weekly basis and a log of the observations maintained. If visible emissions from a stack is seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of control equipment for all necessary repairs.
- d. The permittee shall install, calibrate, maintain and operate according to manufacturer's specification, a monitoring device (differential pressure gauge or manometer) to determine the pressure drop across the baghouse once a day during the operation of emission point 03.
- e. The permittee shall monitor and maintain a log of the pressure drop across each baghouse control device at least once per day during operation of the respective process unit.

5. Specific Recordkeeping Requirements:

The permittee shall keep the following records:

- a. The total monthly processing rate.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- b. The hours per month of the operation of the unit(s).
- c. A log shall be kept of all emission observations. Notation in the monthly log shall be made of the following:
 - i. Weekly observations of visible emissions during operation of associated equipment.
 - ii. Observations of visible emissions during all periods of control equipment malfunction.
 - iii. Reference Method 9 test results.
- d. The permittee shall record the occurrence, duration, cause and any corrective action taken for each incident when an emission point specified in this section is in operation and the pressure drop reading of the baghouse is outside the range recommended by the manufacturer or established during the most recent performance test.
- e. The permittee shall maintain records of preventive maintenance and inspection of the each particulate control device in accordance with **7. Specific Control Equipment Operating Conditions**.

6. Specific Reporting Requirements:

The permittee shall report any exceedances or excursions from emission limitations or operating limitations in accordance with **Section F- Monitoring, Recordkeeping, and Reporting Requirements**.

7. Specific Control Equipment Operating Conditions:

- a. The permittee shall install, calibrate, maintain and operate according to manufacturer's specification, a monitoring device (differential pressure gauge or manometer) to determine the pressure drop across the baghouse once a day during the operation of emission point 03.
- b. The permittee shall maintain, calibrate and operate according to manufacturer's specification, a monitoring device for the measurement of the differential static pressure across each baghouse control device. The permittee shall maintain the pressure drop across each control device within the range recommended by the manufacturer or established during the most recent stack test.
- c. The baghouse control devices shall be in operation at all times the processes are in operation.
- d. Preventive maintenance shall be performed for all control devices, including each integral collection system cyclone, in accordance with the manufacturers' recommendations.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

EP 08 Abrasive Cutting Saw

Rated capacity: Ten (10) 12-inch diameter bars cut per hour
Installation date: 2005
Control device: cyclone/baghouse, efficiency 95%
Maximum rated capacity: (10) saw cut/hr

EP 04 Ceramic Room

Installation date: Varies 1971 - 2005
Control device: A dust collection system for this operation consists of a drum dust trap, a cyclone, and a HEPA filter

EP 09 Slack Belt Polisher

Installation date: 1996
Control Device: It is estimated that the water collects 95% of the particulate generated at this operation.

APPLICABLE REGULATIONS:

401 KAR 59:010, *New Process Operations*, applicable to each affected facility or source, associated with a process operation, which is not subject to another emission standard with respect to particulates, commenced on or after July 2, 1975.

401 KAR 63:020, *Potentially hazardous matter or toxic substances*, is applicable to an emissions unit which emits or may emit potentially hazardous matter or toxic substances, provided such emissions are not elsewhere subject to the provisions of the administrative regulations of the Division for Air Quality.

1. Operating Limitations:

Pursuant to 401 KAR 63:020, Section 3, no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.

Compliance Demonstration Method:

- a. The permittee is deemed to be in compliance during metal cutting when the control system operates as specified in Subsection 7, **Specific Control Equipment Operating Conditions**. The dust collection system shall operate according to the manufacturer's specifications and recommendations at anytime the ceramic room is in use. Water shall be used at anytime the slack belt polisher (EP 09) is in use.
- b. The source is in compliance with 401 KAR 63:020 based on the emission rates of toxics given in the application submitted by the source. If the source alters process rates, material formulations, or any other factor (higher emission factors from stack testing) that would result in an increase of toxic emissions or the addition of toxic emissions not previously evaluated by the Division, the source shall submit the appropriate application forms pursuant to 401 KAR 52:030, Section 3(1)(a).

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**2. Emission Limitations:**

- a. Pursuant to 401 KAR 59:010, Section 3(1), visible emissions from the control devices or stacks shall not exceed 20% opacity.
- b. Pursuant to 401 KAR 59:010, Section 3(2), emissions of particulate matter (PM) from the control devices or stacks shall not exceed the allowable limit calculated by the following formula:

For process rates up to 60,000 lb/hr: $E = 3.59P^{0.62}$

Where E = rate of emissions in lb/hr, and
 P = process weight in tons/hr

For processing rates of 1000 lb/hr or less, the emissions of particulate matter shall not exceed 2.34 lb/hr.

- c. Also refer to **Section D.3 Source Emission Limitations**, for source wide hazardous air pollutant (HAP) emission limitations.

Compliance Demonstration Method:

For EP 08:

- a. In determining compliance with the opacity standards see **4. Specific Monitoring Requirements** and **5. Specific Recordkeeping Requirements**.
- b. To demonstrate compliance with paragraph **b.** above, the permittee shall monitor the amount and type of process weights added to each emissions unit; and the number of bars cut, each month. The process weight shall be determined by dividing the tons of material added to each emission unit in a calendar month divided by the total hours the unit operated that month. Average particulate emissions shall be calculated as follows:

$$PE = (BC \times PEF) / OH \times (1 - \text{Control Efficiency})$$

Where PE = Particulate emissions in lbs/hr, BC = number of bars cut per month, OH = monthly operating hours, and PEF = particulate emission factor (lbs/cut bar, based on the most recent stack test, material balance or other factor approved by the Division).

For EPs 04 and 09:

The permittee is presumed to be in compliance with the requirements of paragraphs 2.a and 2.b based on the process description, but if deemed necessary the Division shall require testing in accordance with 40 CFR 60 Appendix A, Method 5.

3. Testing Requirements:

- a. Pursuant to 401 KAR 59:005 Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the division.
- b. Within 180 days of the issuance of this permit, the permittee shall perform stack testing for Particulate Matter (PM) on the baghouse associated with EP 08. The permittee shall use the results to comply with the requirements of **2. Emission Limitations, Compliance Demonstration Method**.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. Within 180 days of the issuance of this permit, the permittee shall perform stack testing for Chromium and Nickel on the baghouse associated with EP 08. The permittee shall use the results to comply with **source wide limits** to preclude applicability of 401 KAR 52:020.

4. Specific Monitoring Requirements:

For EP 08:

- a. The total monthly processing rate and number of cut bars.
- b. The hours per month of the operation of the unit(s).
- c. A qualitative visual observation of the opacity of emissions shall be performed from each emission point stack on a weekly basis and a log of the observations maintained. If visible emissions from a stack is seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of control equipment for all necessary repairs.
- d. The permittee shall install, calibrate, maintain and operate according to manufacturer's specification, a monitoring device (differential pressure gauge or manometer) to determine the pressure drop across the baghouse once a day during the operation of emission point 08.

5. Specific Recordkeeping Requirements:

For EP 08 the permittee shall keep the following records:

- a. The total monthly processing rate.
- b. The hours per month of the operation of the unit(s).
- c. A log shall be kept of all emission observations. Notation in the monthly log shall be made of the following:
 - i. Monthly observations of visible emissions during operation of associated equipment.
 - ii. Observations of visible emissions during all periods of control equipment malfunction.
 - iii. Reference Method 9 test results.
- d. The permittee shall record the occurrence, duration, cause and any corrective action taken for each incident when emission point 08 is in operation and the pressure drop reading of the baghouse is outside the range recommended by the manufacturer or established during the most recent performance test.
- e. The permittee shall maintain records of preventive maintenance and inspection of the particulate control device in accordance with **7. Specific Control Equipment Operating Conditions.**

6. Specific Reporting Requirements:

- a. The permittee shall report any exceedances or excursions from emission limitations or operating limitations in accordance with **Section F – Monitoring, Recordkeeping, and Reporting Requirements.**
- b. The permittee shall report test results in accordance with **Section F – Monitoring, Recordkeeping, and Reporting Requirements.**

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

7. Specific Control Equipment Operating Conditions:

For EP 08:

- a. The permittee shall install, calibrate and operate according to manufacturer's specification, a monitoring device for the measurement of the differential static pressure across the baghouse for emission point 08. The permittee shall maintain the pressure drop across the control device within the range recommended by the manufacturer or established during the most recent stack test.
- b. The control device shall be in operation at all times the cutting saw is in operation.
- c. Preventive maintenance shall be performed, for the control device, in accordance with the manufacturers' recommendations.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to a general applicable regulation shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspections and observations shall be recorded in a log, noting color, duration, density (heavy or light), cause, and any corrective actions taken due to abnormal visible emissions.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. EP 05 Welding	401 KAR 59:010
2. EP 06 Powder Screening	401 KAR 59:010
3. EP 07 Acid Etching	401 KAR 63:020
4. EP 11 Laboratory	None
5. EP 12 Maintenance Cold Degreaser	None
6. EP 16 Diesel Emergency Generator (installed 1971)	None
7. EP 23 Electropolishing	401 KAR 59:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate matter (PM) and hazardous air pollutant (HAP) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. **Source Emission Limitations:**
To preclude the applicability of 401 KAR 52:020, *Title V permits*, the total annual source-wide emissions shall not exceed the following limitations on a twelve (12) consecutive month basis:
 - a. Emissions of any single hazardous air pollutants (HAP) shall not exceed 9 tons per twelve (12) consecutive month basis; and
 - b. Emissions of combined hazardous air pollutant (HAPs) shall not exceed 22.5 tons per twelve (12) consecutive month basis.

Compliance with these permit limits shall also make the requirements for major sources of HAP emissions, as defined at 40 CFR Part 63.2, not applicable to this source.

Compliance Demonstration Method

Calculate annual source-wide emissions from all emission units for each month of the previous 12-month period (i.e.: for the month of January, the compliance demonstration shall be completed in February and shall include all data from February of the previous year to the last day of January). The monthly compliance demonstration shall include, at a minimum, the following:

- a. The monthly and consecutive 12-month process weight in tons/hr at each emission point and the weight percent of HAP (as a HAP metal) contained in the metal alloy produced.
- b. The monthly and consecutive 12-month PM/PM10, individual HAP, and combined HAP emission rates from the entire source.

All emission calculations shall be based on the sum of the monthly emission rates from each emission point (i.e., **Sections B and C**) during each twelve (12) consecutive month period. The monthly emission rates shall be defined as the sum of the products of the processing rates multiplied by each respective emission factor for each emission point.

4. **Source Recordkeeping Requirements:**
 - a. Actual emissions of single HAP and combined HAP shall be determined and recorded on a monthly and consecutive 12-month basis in accordance with **3. Source Emission Limitations, Compliance Demonstration Method.**

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

- b. The permittee shall maintain records of the processing rates and operating hours for each emission point in accordance with **Sections B and 3. Source Emission Limitations, Compliance Demonstration Method.**

5. Source Reporting Requirements:

The permittee shall report to the Division the monthly and consecutive 12-month totals of single HAP and combined HAP emitted from the source on a semi-annual basis in accordance with **Section F.6.**

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality
Paducah Regional Office
130 Eagle Nest Drive
Paducah, KY 42003

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.
11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - (1) The size and location of both the original and replacement units; and
 - (2) Any resulting change in emissions;
 - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - (1) Re-install the original unit and remove or dismantle the replacement unit; or
 - (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements

- a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
 - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-12-b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in this permit; and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].
- b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

3. Permit Revisions

- a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14(3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements

No construction authorized by this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)**5. Testing Requirements**

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- (5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
- b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].
- c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].
8. Ozone depleting substances
- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.
9. Risk Management Provisions
- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:
- RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None